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09/642,192	08/18/2000	Steven G. LeMay	IGT1P031	6816

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EXAMINER

ASHBURN, STEVEN L

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 07/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/642,192

Applicant(s)

LEMAY ET AL.

Examiner

Steven Ashburn

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1, 2, 4, 6, 7, 11, 12, 15, 16, 18, 23, 24, 32, 34, 37-39, 41, 42 and 44 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by *Walker*, U.S. Patent 6,113,492 (Sep. 5, 2000).

Walker teaches a gaming device containing computer readable memory loaded with computer executable code for evaluating player tracking events including the following features:

- a. An input device for inputting player-tracking information into a gaming system. *See fig. 1, 6, 7, 14:65-15:24. (Claims 1, 24, 44)*
- b. A communication interface for transmitting player-tracking information to a site outside the gaming machine. *See id. (Claims 1, 24, 44)*
- c. A master gaming controller that controls games played on a gaming machine and received player tracking events from one of the input devices and the site outside the gaming machine. *See id. (Claims 1, 24, 44)*
- d. A memory storing player tracking software that allows the master gaming controller to operated on the tracking event and allows the master gaming controller to provide gaming services. *See id. (Claims 1, 24, 44)*

Art Unit: 3714

- e. Gaming services including player tracking and accounting services. *See id.* (Claims 2, 37)
- f. A display device for displaying player tracking information. *See id.* (Claims 4, 34)
- g. Gaming machine is a slot machine, video slot machine, keno game or video poker game. *See fig. 1, 6, 7; col. 3:57-65.* (Claims 6, 41)
- h. Communication interface connected to a network. *See fig. 1, 6, 7.* (Claims 7, 39)
- i. Gaming machine memory storing software for device interfaces that allow the controller to detect player-tracking events from the input device. *See fig. 1, 6, 7; col. 14:60-15:24.* (Claim 11)
- j. Device interface is a card reader, monitor; touch screen display, keypad, or panel buttons. *See id.* (Claims 12, 38)
- k. A server outside the gaming machine. *See fig. 1, 6, 7.* (Claims 15, 32)
- l. Memory storing software for receiving player tracking events from a site outside the gaming machine. *See fig. 1, 6, 7; col. 5:5-33, 12:35-55.* (Claim 16)
- m. Memory stores software allowing the controller to receive player tracking information from a site outside the gaming machine and send player tracking information to the site using one or more communication protocols. *See fig. 1, 6, 7; col. 13:19-26, 14:60-15:12.* (Claim 18)
- n. Wireless communication interface. *See col. 12:47-55.* (Claim 23)
- o. Player tracking event is an encapsulated information packet. *See id.* (Claim 42) More specifically, *Walker* transmits player-tracking events between a gaming device and a server over an Internet connection that uses TCP/IP. Hence, it is implicit that player-tracking events are transmitted as encapsulated information packets.
- p. Player tracking events are sent to two or more destinations. *See fig. 1, 6, 7.* (Claim 43)

Thus, the claimed subject matter listed above is unpatentable for being anticipated by *Walker*.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 8, 35, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Acres*, U.S. Patent 6,317,852 (Apr. 16, 2002) (hereinafter "*Acres* '832").

Walker teaches all the features of the instant subject matter except (a) a display device that is a monitor, LCD, florescent display or sound projection device (*Claims 5, 35*) and (b) a network progressive network or a bonus game network (*Claims 8, 40*). Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Acres*.

In regards to claims 5 and 35, *Acres* '832 discloses an analogous player tracking input device wherein the input device includes a vacuum florescent display (VFD) and a speaker. *See col. 4:30-34*. Additionally, it is notoriously well known to employ monitors (e.g. CRTs) and LCDs as display devices. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify player tracking device described by *Walker*, wherein a display is used to inform player of player tracking information, to employ a CRT, LCD, VFD, or speaker to clearly communicate to players the status of a player tracking device transaction.

In regards to claims 8 and 40, *Acres* '832 discloses an analogous system for linking gaming machines to a network for monitoring, tracking and bonusing. In particular, it describes linking a game to a both a progressive and bonus game network. *See col. 3:55-4:12*. In view of *Acres* '832, it would have

Art Unit: 3714

been obvious to one of ordinary skill in the art to modify the gaming machine taught by *Walker*, wherein the device is linked to a network, to add the feature of linking the device to a progressive network or a bonus game network to offer players the chance of receiving large payoffs. The modification would enhance the device's ability to attract and retain players and thereby increase the operator's revenue.

Claims 9, 10, and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Lichtman*, U.S. 5,819,107 (Oct. 6, 1998).

Walker teaches a gaming device wherein a gaming controller interfaces a variety of peripheral devices including a player-tracking unit. *See fig. 1*. It teaches all the features of the instant subject matter except the following:

- a. Storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. (*Claim 9*)
- b. Supporting device driver communication protocols including NetPlex, USB, Ethernet, Firewire, direct memory map, PCI, serial or parallel. (*Claim 10, 27*)
- c. A communication protocol translator. (*Claim 25, 30*)
- d. Replacing a first device driver with a second device driver different from the first device driver wherein interface corresponding the device drivers is not changed. (*Claim 29*)

Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Lichtman*.

In regards to claims 9, 10, and 29, *Lichtman* discloses a method for interfacing a peripheral devices in a computer to simplify the process of installation or upgrading of components. *See col. 3:6-30*. In specific regards to the claimed subject matter, *Lichtman* discloses the following features:

- a. Storing software for one or more device drivers in memory that allows the master gaming controller to operate at least some of the input devices. *See col. 4:64-5:7*. (*Claim 9*)

Art Unit: 3714

b. Supporting device driver communication protocols including parallel, serial, PCI, ISA, MCA, EISA, PCMCIA, SCSI, VL, IDE and other bus standards for supporting add-on adapters and peripheral devices. *See col. 3:59-4:5. (Claim 10)* NetPlex, USB, Firewire, Ethernet, direct memory mapping are equivalent device driver protocols for supporting add-on and peripheral devices.

c. Replacing a first device driver with a second device driver different from the first device driver wherein interface corresponding the device drivers is not changed. *See fig. 4a-c, 5, 11b; 8:54-9:54. (Claim 29)* More specifically, *Lichtman* allows selection and changing of a plurality of devices drivers to support a plurality of peripheral devices without changing the interface. *See id.*

In view of *Lichtman*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Walker*, wherein a plurality of peripheral devices are interfaced to a central processor in a networked gaming device, to add the feature of storing a plurality of device drivers in memory that support a plurality of industry standard and manufacturer specific communication protocols such that device driver may be replaced without changing the interface. The modification would simplify the installation or upgrading of gaming device peripherals, including player-tracking devices, by reducing the time and expense required to solve hardware and software integration problems.

In regards to claims 25 and 30, the combination of *Walker* with *Lichtman* describes a networked gaming device wherein a player tracking device is interfaced with a gaming controller which transmits data to a remote server to evaluate player tracking events. Furthermore, *Lichtman* discloses devices drivers for interfacing the controller and the peripheral devices using a various communication protocols. Hence the combination describes all the features of the instant subject matter except software for translating communication protocols. Regardless, it is notoriously well known to provide communication protocol translators to allow devices operating with one protocol (e.g. SCSI) to communicate with devices

Art Unit: 3714

using a second protocol (e.g. Ethernet). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming system suggested by the combination of *Walker* with *Lichtman*, wherein the devices operate with a plurality of protocols are connected to a network, to add the feature of a communication protocol translator to format the data generated by a device in a manner compatible with the network in order to communicate data generated by a player tracking device to a remote server.

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Boushy*, U.S. Patent 6,183,362 (Feb. 6, 2001).

Walker teaches all the features of the instant subject matter except connecting the communication interface to two different networks using the same communication connection wherein the connection is Ethernet. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Boushy*.

Boushy discloses an analogous player tracking system wherein gaming devices are connected to two different networks using the same communication connection wherein the connection is Ethernet. *See fig. 1; col. 2:15-53*. The system allows a player tracking networks from different casino properties to share player-tracking information. *See id.*

In view of *Boushy*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Walker*, wherein a gaming device is connected to a network for player tracking, to add the feature of connecting the gaming device to two different networks using the same communication connection to share player tracking information between casino properties and thereby develop more complete player tracking data.

Art Unit: 3714

Claims 17, 21, 22, 33 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Acres*, U.S. Patent 5,702,304 (Dec. 30, 1997) (hereinafter "*Acres* '304")

Walker teaches collecting player tracking data including player name, amount wagered, location and type of game. *See* 13:52-14:14. It describes all the features of the instant subject matter except the following:

- a. Collecting data on time and date. ~~Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Acres* '304.~~ (Claim 17, 33)
- b. Allowing the gaming controller to detect power-failures using memory storing software. (Claim 21)
- c. Storing player-tracking events to a non-volatile memory. (Claim 22, 36)

In regards to claim 17, *Acres* '304 discloses an analogous player tracking system wherein the system collects data including time of play. *See col. 3:19-35*. In view of *Acres*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the player tracking system taught by *Walker* to add the feature of tracking date and time data to allows operators to compile gambling timing data and thereby enhance the operators ability to predict gambling habits and thereby tailor incentive to maximize revenues.

In regards to claims 21 and 22, *Acres* '304 describes tracking gaming machine events including loss of power. *See col. 10:20-38*. Furthermore, it describes storing player tracking events in a redundant non-volatile memory to increase the reliability of that data. *See col. 9:17-33*. In view of *Acres*, it would have been obvious to an artisan at the time of the invention to modify the gaming system taught by *Walker* to add the features of detecting power failures and storing data in non-volatile data to increase the reliability of player tracking data in case that a gaming device losses power.

Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker*.

Art Unit: 3714

Walker teaches transmitting player-tracking information between a gaming device and a site outside the gaming device over various links employing different transmission protocols. These include a LAN, Internet and wireless connections. In particular, an Internet link requires TCP/IP. Hence, *Walker* teaches all the features of the claimed subject matter except a "manufacturer player tracking protocol".

Regardless of the deficiencies, the features would have been obvious to an artisan.

It is notoriously well known in the art that various gaming device manufacturers employ player-tracking protocols of their own design. These protocols serve an equivalent function as non-manufacturer specific protocols. It would have been obvious to an artisan at a time prior to the invention to modify the player tracking system taught by *Walker*, to support manufacturer player tracking protocols to offer a gaming device compatible with manufacture specific player tracking systems and thereby enhance the system marketability by supporting player tracking systems currently in use.

Claims 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Walker* in view of *Pease*, U.S. Patent 5,766,076 (Jun. 16, 1998) and *Kelly*, U.S. Patent 6,293,865 (Sep. 25, 2001).

Walker teaches a player tracking system with a device that inputs player tracking information from a card to identify a player and associate the player with tracking and account data. *See col. 5:5-20, 12:35-46.*

Pease describes an analogous player tracking system in which a card reader receives a card encoded with identification data. *See col. 3:36-4:9.* It suggests that identification may be also be provided by voice print, retinal scan, fingerprint, smart cards or other identification configured with a memory and microprocessor. *See id.* Magnetic cards, smart cards, finger prints, sound devices and bar-coded tickets are known equivalents for identifying a player at a gaming device using encoded documents or biometric data. *Walker* suggests all the claimed subject matter except a wireless device or personal

Art Unit: 3714

digital assistant. Regardless of the deficiencies, the features were known in the art at the time of the invention and would have been obvious to an artisan in view of *Kelly*.

Kelly discloses another analogous system for network gaming wherein player identification is required to access data stored in a remote database on a server. *See col. 3:31-39*. It describes transferring identification information with a game unit using a PDA's wireless link. *See col. 3:59-62*.

In view of *Pease* and *Kelly*, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the network gaming device taught by *Walker*, wherein identification cards are used as player tracking inputs, to add the features of finger prints, sound devices, bar-coded tickets, wireless devices and PDAs to enhance the player tracking system by accepting different identification means offering various levels of security, convenience and cost.

Conclusion


The following prior art is considered pertinent to applicant's disclosure of record, but not relied upon: *Pisello*, U.S. Patent 5,491,812 (Feb 13, 1996) discloses a method for interfacing devices using communication protocol translators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Ashburn whose telephone number is 703 305 3543. The examiner can normally be reached on Monday thru Friday, 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 703 308 4119. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9302 for regular communications and 703 872 9303 for After Final communications.

Art Unit: 3714

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1078.

Steven Ashburn
June 26, 2002


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